

**Private Land Public Wildlife Advisory Council  
MEETING SUMMARY**

Wednesday, January 22<sup>nd</sup>, 2013, 8:30 a.m. – 5:00 p.m.

Thursday, January 23<sup>rd</sup>, 8:00 a.m. – 12:00 p.m.

*Red Lion Colonial Hotel, Helena*

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***Council Members Present:***

Joe Perry (Chairman), Richard Stuker (Vice-Chairman), Dwayne Andrews, Chris King, Kathy Hadley, Jack Billingsley, Blake Henning, Rod Bullis, Daniel Fiehrer, Lisa Flowers, Denley Loge, Tom Jacobson (State Representative), George Bain (ex officio - USFS), Kevin Chappell (ex officio - DNRC), Pat Gunderson (ex officio - BLM)

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***FWP Staff Present:***

Jeff Hagener, Alan Charles, Ken McDonald, Mike Lewis, Joe Weigand, Hank Worsech, Jim Kropp

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***Members of the Public:***

John Gibson, George Bauer, J.W. Westman, Nick Gevock, Sam Malodragovich

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***Facilitation Team:***

Emily Schembra and Rachel Gussin, Center for Natural Resources & Environmental Policy

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**MEETING SUMMARY:**

This document summarizes the Private Land Public Wildlife Advisory Council (Council) meeting convened on Wednesday, January 22<sup>nd</sup> and Thursday, January 23<sup>rd</sup> 2014. The summary focuses on agenda items, discussion, and action-items related to each agenda item. Meeting presentations and handouts are attached.

**Wednesday, January 22<sup>nd</sup>**

**AGENDA ITEM 1: WELCOME AND INTRODUCTIONS**

Joe Perry opened the meeting with a welcome and asked members to introduce themselves and discuss the various reasons why they are serving on the Council. Joe noted that he and Richard Stuker would like to operate as co-chairs, the Council will operate informally on a first-name basis, and members should raise their hands to speak. Emily Schembra reviewed the meeting objectives and meeting agenda.

**AGENDA ITEM 2: DISCUSS COUNCIL CHARGE**

Jeff Hagener opened his discussion by describing Governor Bullock's focus on recreational hunting and fishing opportunities in Montana, and the Department of Fish, Wildlife and Parks (FWP) support for the Council's work. Jeff noted that he was a member of the original Council, which had a similar member composition to the newly appointed Council. Jeff explained that the Council may be under scrutiny from certain interests such as outfitter, hunter, and landowner groups, and care should be taken to improve relationships. He reminded members that they represent all of Montana *and* various constituencies. Speaking to the Council's charge (attached), Jeff explained that FWP is offering broad guidance for the Council to work creatively together on solutions; FWP will not be leading the Council towards specific outcomes. Montana has

many opportunities for hunting, and some of the best access laws, but the state is not meeting all of the demands from landowners, sportsmen, and outfitters. FWP hopes the Council can offer useful advice and solutions to meet these demands.

Jeff briefly discussed the recent legislative audit of the Block Management Program (BMP), and the Department's response to the Legislative Audit Committee's recommendations. Jeff specified that FWP did not concur with several of the audit's findings, but the Department is currently working on ways to address areas where FWP was in agreement with the Audit Committee. The news covered reactions from the Environmental Quality Council, but failed to include the viewpoints of the Audit Committee. Media centered on the perceived "double dipping" by BMP cooperators who are compensated for land enrolled in both the BMP and placed in conservation easement. The audit did not state that the Administrative Rules of Montana (ARMS) *do* allow BM cooperators to receive other compensation. Moreover, while easement compensation allows access, FWP views the BMP compensation as compensation meant to cover impacts such as weeds resulting from increased access. Jeff discussed other audit recommendations, including the issue of BMP cooperators who own land adjacent to state trust lands and the notification process for accessing state trust lands.

To conclude, Jeff explained first that FWP would be interested in new, creative solutions for improving the BMP, but the BMP is just one of many access programs the Council could work on. Regarding the timeline, if the Council wishes to move forward with legislation, the Department must put a placeholder in by April. A draft proposal should be presented to the Council on Environmental Quality (EQC) by September. If approved by the EQC, the legislation will move forward. If EQC does not approve, the Council will need a sponsor legislator.

**Discussion with Jeff Hagner:**

**Q:** How will the ARMS affect or constrain the Council's charge?

**A:** The Council will need to work within the ARMS unless they want to focus on changing administrative rules (or Montana statutes). The Council could not immediately enact a proposal that would require a change of the ARMS or statute.

**Q:** Does the charge shift the Council's focus from outfitters, hunters and landowners to landowner/hunter relations?

**A:** Outfitters are part of what the Department sees as a "three legged stool" made up of sportsmen, landowners and outfitters. Outfitting is an integral part of the Council's work, which the charge reflects.

**Q:** Will Legislative Audit Services staff be available to speak to the Council?

**A:** Yes, but the Council should recognize that the audit is based on the auditors' opinions and interpretations. The Department has legal opinions that differ from those of the Audit Committee. Some of the audit's recommendations do not involve any perceived violation of law, but merely differing perspectives and opinions.

**Q:** Can proposals be taken to the Commission?

**A:** Yes, if the proposal is within the Commission's authority.

**Q:** Is the Block Management Program routinely audited, or was the audit requested?

**A:** Most of the time legislators request specific program audits; the BMP audit was requested.

**Q:** How is the value of recreational access quantified?

**A:** With easements, the value of the property without an easement is compared to the value of the property with an easement. The property value usually decreases 10-20% with a conservation easement that provides access. Ken McDonald, Joe, and Blake Henning discussing FWP's unique tradition of requiring access with easements, and the difficulty of valuing recreational access, which is often based on professional judgment and landowner prices.

**Q:** Could the Council focus on both the 2015 *and* the 2017 legislative sessions?

**A:** Yes, the Council has a charge for the upcoming legislative session, but should also be thinking about bigger issues that will need to happen in a longer time-frame, especially issues that pertain to future generations.

Joe reminded members that constituents are important, and encouraged members to attend sportsmen and stockgrowers meetings to gather information and understand different perspectives, and to develop relationships with legislators.

### **AGENDA ITEM 3: REVIEW AND REFINE OPERATING GUIDELINES AND GROUND RULES**

Emily introduced a draft set of operating guidelines and ground rules for the Council to discuss and refine. The Council reviewed the document by section.

#### **Discussion:**

**Q:** Can Emily describe what “work in teams” means under the CNREP responsibilities section?

**A:** This is included because Emily is not an independent contractor, but will be working as part of the CNREP's team with Rachel, Shawn Johnson, and Matt McKinney.

The Council discussed consensus as the decision rule, sharing concerns that recommendations may not move forward if the group does not reach full consensus. Several members voiced their preference for consensus and the strength of bringing a consensus recommendation to the legislature. The Council also considered voting by super-majority. Members who served on previous PL/PW Councils explained both the risk and reward associated with consensus, and that only a small number of Council proposals have been stopped due to lack of consensus since the Council was formed. Emily explained that a member who cannot move forward with a proposal will be responsible for providing an alternative, and that consensus will be tested throughout discussions so that concerns and reservations can be addressed as soon as possible. After concluding discussion, the Council agreed to operate under consensus, but if a supermajority (75%) of members are in favor of an issue or recommendation, the Council may move forward and offer majority and minority reports to the FWP.

The Council discussed the ground rules section on media and communications, making changes to differentiate between “official communications” and less formal communications.

**Q:** Will members be able to join the meetings via conference call?

**A:** Joe responded that conference calls could be set up ahead of time with enough notice, but may be difficult to arrange at hotels. A member who misses a meeting will be responsible for catching up on missed material.

**Q:** When will meeting minutes be distributed?

**A:** Emily prefers a meeting summary instead of meeting minutes, and usually distributes a summary within 48 hours. Members are also welcome to call her to discuss meetings.

**Q:** Is the Council comfortable posting name and mailing address contact information on the FWP website?

**A:** Yes.

The Operating Guidelines and Ground Rules document was approved by the Council, with the discussed changes to sections II (Decision-making Process) and IV (Meeting Relations and General Communications).

➤ **NEXT STEPS**

Emily will circulate an amended, adopted copy of the Operating Guidelines and Ground Rules to Council members.

**AGENDA ITEM 4: CLARIFY ADMINISTRATIVE PROCESS FOR COUNCIL MEETINGS**

Alan Charles clarified that FWP will pay for Council mileage, meals, and lodging costs, and explained which information needs to be included in mileage reimbursement forms. Group lunches will be provided during meetings. Alan asked Council members to funnel requests for information and resources through him, so that he can route requests to appropriate FWP staff to minimize workload conflicts and redundancy. Members can utilize the archives of previous Council requests that may enable updates of previous reports.

**Discussion with Alan:**

**Q:** How should the Council access documents and resources?

**A:** The Council has different options, such as the PL/PW website or a shared folder. Emily volunteered to set up a shared Google Drive or Dropbox, and offer an optional “training” before or after the next meeting.

On the topic of resources, Joe requested that Rachel research other states’ access programs.

**Q:** Can the Council have information on the Department’s budget?

**A:** Yes, at the next meeting, Sue Daly (FWP Finance Division Administer) could probably speak to the Council, and FWP staff could do a more in-depth presentation on the access programs and BMP funding. Council members also requested that Hank Worsesh attend the next meeting to speak on licensing fees.

**Q:** Can the Council have copies of BMP enrollment and reenrollment forms?

**A:** Yes, Alan will put a packet together for the Council. Alan will also be prepared to provide Council members with a complete in-depth presentation about the BMP at the February meeting that will cover history, implementation, and status of the program.

**Meeting Schedule:**

Joe worked with the Council to schedule upcoming meetings. The scheduled dates are as follows, with specific venues to be determined:

- February 19-20 – Helena
- March 19-20 – Lewistown
- April 23-24 – Billings
- May 14-15 – Missoula
- June 19-20 – Miles City
- July 24-25 – Bozeman
- September 3-4 – Glasgow
- September 17-18 – Helena
- October 1-2 – Kalispell

➤ **NEXT STEPS**

- Alan will see that all members turn in mileage reimbursement forms and that they are processed in a timely manner.
- Emily will create a Google Drive or Dropbox folder for the group to share resources before the February meeting, and set up a training.
- Rachel will put together a simple report (or find existing reports) on access programs in other states.
- Alan will provide Council members with BMP enrollment and reenrollment forms (*provided on January 23*), and will gather BMP information for members to review prior to the February meeting, when he will provide a more in-depth review of the program.
- Alan will invite Sue Daly and Hank Worsesh to speak at the February meeting.
- Emily will distribute a typed schedule of upcoming meetings to Council members (attached).

**AGENDA ITEM 5: REVIEW CURRENT HUNTING ACCESS DATA, PROGRAMS AND TOOLS**

Alan reviewed the documents provided to Council members. Questions from members mostly focused on MCA § 87-2-513 (referred to as House Bill 454), MCA § 87-2-526 (referred to as “Home to Hunt” license), and the Block Management Program. Hank Worsesh also answered questions.

**Discussion:**

**Q:** Is the Fish & Wildlife Licensing Advisory Council looking at the fee structure of HB 454?

**A:** The Licensing Council is looking to streamline the licensing structure, and is focusing more on license fees than permit fees structure. The Licensing Council is not looking at increases in nonresident hunting fees. They are working to have recommendation completed by March, so a copy of their report can be provided to PL/PW Council members as soon as it is available.

**Q:** Should the Council dig into the Home to Hunt license in more depth?

**A:** This might be something the Council could look at, as it is a product of a former PL/PW Council.

Members and Alan also discussed stream access and road access issues captured in a 2013 document titled “Landlocked: Measuring Public Land Access in the West,”<sup>1</sup> and the potential to improve and increase use of the Hunter Landowner Stewardship Project.<sup>2</sup>

Mike Lewis, Human Dimensions Unit Supervisor, presented “Hunting Access in Montana...What does the data show?” The presentation is attached as a PDF document.

**Discussion with Mike Lewis on Hunting Access in Montana:**

**Q:** When data is collected as part of the 2013 survey of private landowners requiring hunting access management, will it be compared with the 2008 survey on the same topic?

**A:** Direct comparisons can be drawn; however, the sampling methodology differs for each survey, so some results will not be directly comparable. The acreage data in the 2013 survey was not included in the 2008 survey, and will be the first of its kind in Montana.

**Q:** Will the studies show trends in access and management?

**A:** The intent of both the 2008 and 2013 studies is to establish baseline information from which trends can be studied.

**Q:** Is it accurate to say that the 2008 study suggests that not allowing hunting on private land is not an issue?

**A:** Yes, but acreage amounts are not considered (the results are based on number of landowners), and landowner information is not collected, so the 2013 study may shed new light on the results.

**Q:** Do the results distinguish between landowners that have land adjacent to public lands and those that do not?

**A:** No, the results only speak to the land owned by the landowner; surrounding lands were not discussed.

**Q:** What is “non-private” Block Management land?

**A:** The lands are interior state or federal lands surrounded by private lands, and included as part of the BM unit.

**Q:** How were landowners selected?

**A:** Landowners were randomly selected from the Montana Cadastral database based on the amount of land owned. Block Management cooperators were included in the random selection, and served as a method to “ground truth” existing data on BM coordinators. Smaller landowners were less likely to be randomly selected because there were a much greater number of those landowners.

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<sup>1</sup> Available at: <http://westernpriorities.org/wp-content/uploads/2013/11/Landlocked-Measuring-Public-Land-Access.pdf>.

<sup>2</sup> More information is available at: <http://fwp.mt.gov/education/hunter/hunterLandowner/>.

**Q:** Is there a discrepancy between perception and reality among sportsmen?

**A:** Perhaps, based on the reported data. FWP carries out the surveys to try and figure out what sportsmen and landowners really think. The challenge is that only data on private land where outfitters are licensed to operate and the BMP can be tracked.

**Q:** How do you define who are considered “friends and family” for access purposes?

**A:** This is a gray area, but it normally boils down to a direct connection with the landowner. Landowners who participated in survey pre-tests understood there to be a clear distinction.

Alan Charles discussed two diagrams: one focusing on the results of a yearlong process FWP went through to determine internal access objectives, which asked the question “**How much** hunting access of **what type** is needed **where** and **when** to **accomplish what?**” The Council briefly discussed the need to consider the quality of access along with “how much.” Alan next discussed a diagram illustrating current (status quo) FWP programs, tools and activities that potentially affect hunting access. Both diagrams are available upon request from Alan.

#### **Discussion with Alan Charles on Status Quo Programs, Tools and Activities that Potentially Affect Hunting Access:**

Alan discussed why it is important for the group to recognize all of the access programs available, noting that the diagram presented the “status quo” but maybe there are other, new solutions. The FWP is charged with managing wildlife for the benefit of the public, but the state owns a very small percentage of land in the state and has limited tools to manage wildlife on other lands. The challenge is to use available programs, tools and incentives to work with private property owners. Access becomes a key tool, but many issues come back to the complexity of access, and what are considered to be reasonable expectations for what a state agency can provide. On the other side, some will say that hunters have paid the bills for wildlife management and FWP staff, and deserve hunting access and opportunities.

The Council discussed the definition of “disabled” for license purposes, and how the numbers of disabled hunters in Montana who can hunt from a vehicle have steadily risen in recent years. The Council also discussed the importance of ethics education. Alan noted that the Hunter Landowner Stewardship Project includes a large ethics component that is conveyed as “responsible hunter behavior” in order to reach a broader audience. Finally, the Council discussed the accuracy of access maps, and the fact that Montana Cadastral is more accurate than the access maps due to the regularity with which the system is updated. It was suggested that the Montana Department of Transportation be involved in future discussions to coordinate identification of state, private and federal roadways.

#### **AGENDA ITEM 6: PUBLIC COMMENT**

John Gibson with the Public Land/Water Access Association (PLWA) spoke to the Council about how critical it is to maintain access to streams, roads, and public lands, and emphasized the importance of rights to access public property. John spoke of how money dictates who can float rivers in some cases, and access to public resources should be more fair and equitable. He stated that Initiative 161 involved closing access roads in attempt to establish resident herds of elk. John urged the Council to work to make FWP’s system more equitable.

## **AGENDA ITEM 7: WRAP UP AND ADJOURN**

Emily asked members to spend the evening thinking of short and long-term priority issues for future work efforts, and Joe offered closing remarks before adjourning the meeting.

**Thursday, January 23<sup>rd</sup>**

## **AGENDA ITEM 1: WELCOME**

Joe welcomed Council members, and introduced Jim Kropp, leader of FWP's Enforcement Division. Alan passed out a packet of BMP enrollment and reenrollment forms, as well as comment cards collected from hunters in BM units. Alan was asked whether or not the Department keeps a database of hunter comment cards, and if the comments are sent to BMP cooperators. Alan responded that some comments are organized in regional Excel databases, but due to the volume of comments received by the Department it can be difficult to get the comment cards to landowners on a regular basis.

Jim Kropp discussed the state's game wardens and the integral role they play in hunting access programs. Jim spoke of the Division's problems with staff turnover, and the difficulty in building and maintaining relationships with landowners when wardens are only around for a short time.

## **AGENDA ITEM 2: IDENTIFY AND PRIORITIZE ISSUES & FUTURE WORK EFFORTS**

Emily led the Council through a brainstorming and prioritization exercise to determine short and long-term priorities, and then begin mapping out future work efforts.

*The Council prioritized the following short-term issues (some were grouped into larger categories):*

- **Relationships:** Increase efforts to expand landowner stewardship program; contact ranchers to discuss what their expectation are in regards to FWP access; develop a marketing program to highlight the good things going on in the BMP; improve relationships between landowners, outfitters, and sportsmen; work on hunter education (sportsmen ethics) to build mutual understanding between sportsmen, landowners, and outfitters; work on ways to provide a quality hunting experience
- Ensure adequate funding for block management
- **Access:** Gain a better understanding of and communicate what the access issue really is; work on loss of access as a political pushback; work on how to use other licenses and permits to gain access; incentivize use of FWP's access programs; clearly explain the difference between access and impacts
- Open isolated parcels of public and private lands
- Investigate corner crossing legislation as one way to increase access opportunities, with the caveat that the Council will have to understand and respond to associated landowner issues
- Review the Block Management Program and the BMP audit to see if there are any changes the Council can make (and deal with audit recommendations)
- Review licensing programs (e.g., HB 607 and others) for possible simplifications



*The Council prioritized the following long-term issues (some were grouped together):*

- **Large landowner relations:** Figure out how the hunter can continue to have access with the increase of new large landowners; how to provide ranch sale alternatives and protect traditional uses; how to understand non-traditional large landowners and build relationships moving forward
- Develop a method to address problematic game populations, and develop a toolbox of solutions
- Increase funding for FWP access programs from resident sportsmen
- Work on opening more access to public lands
- Considering working with OPI/Montana public school systems and higher education to integrate a Montana Stewardship for All Program (focus on ethics and tradition)
- Develop new access programs (including easements), funding and authority
- Work on ways to increase funding for access programs to ensure access for future generations

### **AGENDA ITEM 3: WRAP UP AND NEXT STEPS**

The Council discussed the February and March meetings, and proposed the following topics and speakers:

#### *February 19-20<sup>th</sup> (Helena)*

- Review the BMP Program, including program funding.
- Review and discuss the BMP audit report; Joe Murray was the suggested speaker.
- Review the status of FWP Department funding; Sue Daley was the suggested speaker.
- Hear from a variety of speakers addressing landowner, sportsmen and outfitter relationships and access issues. Suggested speakers were discussed, and members would like to host an equal number of sportsmen, landowner, and outfitter representatives.
- Request a one-page response to the Council's focus on relationships and access from a variety of Montana organizations, to be reviewed by Council members prior to the meeting.
- Move forward on the short-term priorities focused on the BMP, access issues, and relationship issues.

#### *March 19-20<sup>th</sup> (Lewistown)*

- Hear perspectives from landowners, including some that do not allow hunting access and "non-traditional" large landowners.
- Potentially focus on the corner crossing short-term priority; however, the focus of the March meeting will be revisited in February. Alan was asked to provide background legal information on corner crossing to Council members.
- Hear from regional staff on the ground in the region, and potentially continue to hear from regional staff as the Council moves around the state for each meeting.
- Hear from U.S. Fish and Wildlife Service and staff from the Lewistown area.

## MEETING FOLLOW-UP ITEMS AND TASKS

- Emily will circulate an amended, adopted copy of the Operating Guidelines and Ground Rules to Council members.
- Alan will see that all members turn in mileage reimbursement forms and that they are processed in a timely manner.
- Emily will create a Google Drive or Dropbox folder for the group to share resources before the February meeting, and set up a training.
- Rachel will put together a simple report (or find existing reports) on access programs in other states.
- Alan will provide Council members with BMP enrollment and reenrollment forms (*provided on January 23*), and will gather BMP information for members to review prior to the February meeting, when he will provide a more in-depth review of the program.
- Alan will invite Sue Daly and Hank Worsch to speak at the February meeting.
- Emily will distribute a typed schedule of upcoming meetings to Council members (attached).
- Emily will draft a short request to various organizations to submit short (one-page) responses to the access and relationships issues the Council prioritized, with a deadline prior to the February 19<sup>th</sup> meeting. The request will be sent out on FWP letterhead to a list of contacts Alan maintains and Council members will receive a copy. Emily will coordinate responses and put packets together for Council members. Randy Newberg and Jay Bodner will be asked to speak to corner crossing as well.
- Alan and Emily will coordinate with Joe and Richard to contact and line up speakers for the February and March meetings.
- Emily will work with Joe, Richard and Alan to develop the February meeting agenda. The agenda will be distributed to Council members by February 10<sup>th</sup>.
- Council members will continue work at the February meeting to plot out a roadmap of future work efforts.
- Joe and Richard will be available to Council members for any needed communication.